

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 cr 40**

UNITED STATES OF AMERICA

Vs.

LOGAN PAINTER.

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ORDER

THIS CAUSE came on to be heard before the undersigned, pursuant to the following motions:

- 1) A motion entitled “Motion for Competency Evaluation” (#5) filed by the government on April 22, 2009 requesting that the defendant be evaluated to determine whether or not he is competent to go forward or assist in his defense;
- 2) A motion entitled “Motion to Withdraw as Counsel” (#6) filed by counsel for the defendant on April 22, 2009; and
- 3) A pleading entitled “Response to Government’s Motion for a Competency Evaluation” (#7).

It appears to the undersigned from an examination of the file that another motion has been filed in this matter, that being a Motion for Temporary Emergency Forced Feeding Order (#8) filed on April 23, 2009 alleging that the defendant was refusing to eat and refusing to consume liquids, which had been filed by the government. In the motion the government set forth that the nurse at the detention

facility where the defendant was confined had stated to the Assistant United States Attorney that the defendant was not mentally able to interact with others and without immediate medical intervention his health would continue to deteriorate. Appointed counsel for the defendant responded to this motion (#9) and on that same date an Order (#10) was entered by United States Magistrate Judge David S. Cayer ordering that the defendant be fed through a forced feeding order.

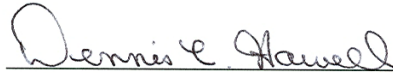
At the call of these motions on for hearing, the undersigned determined it was necessary that the Motion for Competency Evaluation be heard and depending upon the court's ruling as to that motion, the court would then either stay or rule upon the other motion regarding counsel. After hearing the arguments of the Assistant United States Attorney and hearing arguments of counsel for the defendant, the undersigned has determined to enter an order ordering the evaluation of the defendant and staying the hearing of the motion of defendant's counsel to withdraw and further staying the arraignment and hearing of the issue of whether or not the defendant should be detained.

ORDER

IT IS, THEREFORE, ORDERED that the Motion for Competency Evaluation (#5) will be **ALLOWED** and a separate order directing the mental evaluation of the defendant will be entered by the undersigned. The hearing of all

other motions and the arraignment and detention hearing in this matter will be **STAYED** pending the examination of the defendant.

Signed: May 13, 2009

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Dennis L. Howell
United States Magistrate Judge

